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January 8, 2016

**VIA ECF**

The Honorable Charles Breyer  
United States District Judge, Northern District of California  
450 Golden Gate Avenue, Department 6  
San Francisco, California 94102-3483

Re: Application of John R. Edwards for Plaintiffs' Steering Committee in *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, MDL 2672*

Dear Judge Breyer:

I respectfully submit this application for appointment as a member of the Plaintiffs' Steering Committee in the above-captioned MDL. I am not applying for, nor should I be, lead counsel in this case. Other applicants have significantly more MDL experience than I have. I know many of these attorneys very well, professionally and personally, and have great respect for them. Their experience is critical to this process. I do believe, however, that my unique qualifications can help in reaching a fair, efficient and meaningful result for the Plaintiffs.

The case against Volkswagen ("VW") has been called the largest consumer fraud in modern global history. Resolution of this case will require involvement of this Court, the United States Congress, federal agencies and foreign governments. I have spent my life working with all of these entities at the highest levels. I practiced primarily as a plaintiffs' trial attorney for decades, during which I negotiated and worked with attorneys across the country and, to the best of my knowledge, obtained more multi-million dollar verdicts than any other lawyer in North Carolina. I served in the United States Senate, where I worked and negotiated with all of the other members of the Senate, members of the House of Representatives and, on occasion, the President of the United States. I also worked closely with federal agencies on a regular basis, including in negotiations regarding prospective laws, proposed new legislation and potential changes in federal regulations. As a candidate for President and Vice President of the United States, I met with foreign heads of state, including the Chancellor of Germany, Angela Merkel. My experience is unique, and I would respectfully suggest that it would directly benefit the Plaintiffs in reaching a just resolution of their claims. I believe my experience would also provide a valuable complement to the work of the qualified MDL and class action attorneys who will serve on the committee.

I have been admitted to practice law in North Carolina since 1977, where I was a trial lawyer representing plaintiffs for over twenty years. During that time, I was recognized as national "Lawyer of the Year" by *Lawyers Weekly USA*, was named in "Best Lawyers in America" since its first publication, and was admitted to organizations such as the Inner Circle of Advocates and the American College of Trial Lawyers. I served as a United States Senator representing North Carolina from 1998 to 2004, ran for the Democratic nomination for the office of President of the United States in 2004 and 2008, and was the Vice-Presidential nominee on

the Democratic ticket in 2004. I returned to the practice of law in 2013, advocating exclusively for plaintiffs. My curriculum vitae is attached to this application.

To resolve this case, Plaintiffs' Counsel must work closely with state and federal governments, which are conducting extensive investigations and launching independent lawsuits. Great attention and resources have already been expended on the issues relevant to this case by governmental entities: the EPA, Congress, the FTC, the DOJ, CARB and the Attorneys General of all 50 states are all actively investigating. While VW has been involved in these public investigations, neither the Court nor Plaintiffs' counsel has yet been present for or informed of any developments. By virtue of my experience in the Senate and as a candidate for national office, I have worked closely with each of these public entities. As a Senator and an attorney, I also directly handled high-profile issues of legal, political and public significance. Weeks after being sworn into the United States Senate, I was asked to play a critical role in the impeachment trial of President Clinton. The Senate requested that I serve as one of six Senators to preside over the taking of key testimony during the trial, and I played an active role in developing the rules and procedures used in trial. I gave a speech in the well of the Senate, closely presided over by Chief Justice Rehnquist, which was attended by all 100 Senators and received acclaim from both sides of the aisle. The legal analysis I personally developed and delivered was later utilized by several Senators in their own speeches on the Senate floor. The instant case requires a similarly acute understanding of the cross section between legal, political and public interests.

Plaintiffs' counsel must also have a thorough, nuanced understanding of the statutory and regulatory landscape at issue, for which I can offer distinct insight. Achieving the swift, fair resolution that consumer victims deserve necessarily requires counsel to probe the regulatory landscape, including the purpose and passage of certain regulations, the reasons for testing methodologies, and the attendant political urgency of climate change regulation. I have extensive federal regulatory and legislative experience that can help inform an approach to these violations. Moreover, public interest in the outcome of this litigation and the goals of regulatory processes are both largely aligned with the Plaintiffs' interests. I am uniquely positioned to liaise with these public entities because I have worked intimately with and within them. I can help ensure, *inter alia*, that (1) counsel in this MDL works in tandem with these entities, has appropriate access to the information collected thereby, and conducts no unnecessary duplicative efforts, (2) the parties are operating within the confines of confidentiality required by these entities, and (3) the parties achieve a settlement on behalf of the consumer victims of this fraud that is politically and publicly endorsed and that demonstrates the justice and efficacy offered by our legal system.

I also have experience working with foreign governments, which will be necessary to achieve swift, just resolution of this internationally significant case. In addition to working with the primary foreign defendant, Volkswagen AG, Plaintiffs' counsel will likely also work with the German government. Germany will have a strong interest in the outcome of this case, because of the import of VW to the German economy. This may happen indirectly, with the German government using its political weight to influence VW, or directly, through provision of funding to VW. Having personally met with the Chancellor Merkel, I believe I can assist in working directly with these German entities. Global interest in the VW fraud, however, extends far beyond Germany. Lawsuits have been filed and investigations have been launched in countries across the globe, including in Europe, Australia and Asia. Moreover, as VW may be interested in settling all global claims concurrently, working with foreign counsel and/or governments may become necessary to productive settlement discussions. I have met with heads of state around the world, including in Great Britain, Spain, Israel, Jordan, Oman, India and China, and have spoken

throughout Europe, Africa, the Middle East, Asia and Central America. I served as a co-chair of the Russia Task Force, worked closely with the International Rescue Committee and have presented issues of international import to the Council on Foreign Relations. I believe these experiences provide me a deep understanding of the global impact of issues like VW's fraud.

In addition to the above, I have been actively involved in the VW litigation since its inception. On November 21, 2015, I was the keynote speaker at the Bridgeport Seminar on the VW Litigation in San Francisco. My firm and I filed the first class action in North Carolina against VW on behalf of owners of the affected vehicles, and I currently represent class members nationwide. I have met with a number of my colleagues who have filed similar cases to discuss strategy for representing our clients' best interests in this complex case. I have good relationships with other plaintiffs' counsel who have appeared in this case, and am willing and able to work cooperatively with all counsel. Attached is a list of other counsel who support my appointment.

Although the instant case is unique, I have long litigated products liability cases. For example, I litigated and tried a case against Sta-rite Industries for injury to a young child trapped by the suction of its defective pool drain. My work resulted in the largest jury verdict in North Carolina history, widespread changes around the country in the standards for swimming pool drains, and receipt of the American Association for Justice National Public Service Award. I also served as trial counsel in cases set for trial against Defendant C.R. Bard, Inc. in *In re Avaulta Pelvic Support Systems Products Liability Litigation*, MDL No. 2187, handling trial preparation and trial-related motions. One of these early cases settled for a confidential sum on the eve of trial, and all cases against C.R. Bard, Inc. ultimately settled. I have served as interim co-lead counsel for *In Re North Sea Brent Crude Oil Futures Litigation*, 1:13-md-02475 (SDNY). The judge in that case is The Honorable Andrew L. Carter, Jr., (212) 805-0280.

I am willing and able to immediately commit to this time-consuming litigation. I have made professional arrangements to ensure that I may focus solely on this case if appointed to the steering committee. I also have access to the resources needed to timely and thoroughly prosecute this case. My firm has locations in Raleigh, North Carolina and San Diego, California, both of which have been actively involved in this matter. My firm has devoted significant time and resources to this case, and our attorneys are well-qualified and highly capable. For example, founding partner David Kirby is a member of the Inner Circle of Advocates and American College of Trial Lawyers, was also named national Lawyer of the Year, and has been a "Best Lawyer in America" for over twenty years. Catharine Edwards, working on this matter full-time, is a graduate of Princeton University and Harvard Law School, clerked for a federal judge in the Eastern District of Virginia and was named a "Rising Star" by the *National Law Journal*.

I would like to represent all Plaintiffs in this action, but am particularly interested in representation of owners and lessees. I currently represent over 100 owners and lessees of 2.0L and 3.0L Audi, Porsche and Volkswagen models. In addition, a number of my clients borrowed purchase monies from VW Credit, and I intend to shortly file an action on their behalf asserting additional consumer lending claims. As such, representation of these Plaintiffs is also a priority.

Swift and appropriate resolution of this matter will involve legal, political and global considerations, many of which Your Honor referred to in the December 22, 2015 conference. I respectfully submit that all of my unusual experiences would be invaluable in this unusual case.

Respectfully submitted,  
/s/ John R. Edwards  
 John R. Edwards